

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		:	
JAMES MORRISON,		:	
	Plaintiff,	:	
		:	21 Civ. 3612 (LGS)
-against-		:	
		:	<u>ORDER</u>
BARCLAYS BANK, et al.,		:	
	Defendants.	:	
-----X		:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on July 21, 2021, Plaintiff submitted a Proposed Default Judgment against Defendant Surplus Freight, Inc.;


WHEREAS, Plaintiff brings five causes of action against Surplus Freight: (1) violation of the Fair Credit Billing Act ("FCBA"), (2) fraudulent inducement, (3) breach of New York General Business Law § 349, (4) breach of contract and (5) unjust enrichment;

WHEREAS, it is unclear from the documents submitted in support of the Proposed Default Judgment whether a cause of action pursuant to the FCBA exists against Defendant Surplus Freight, *see Rotblut v. Ben Hur Moving & Storage, Inc.*, 585 F. Supp. 2d 557, 559-60 (S.D.N.Y. 2008). It is hereby

ORDERED that by **August 5, 2021**, Plaintiff shall submit a letter not to exceed five pages (1) explaining the basis for Surplus Freight's liability to Plaintiff under the FCBA and (2) setting forth the basis for subject matter jurisdiction over Plaintiff's claims against Surplus Freight in the event Plaintiff does not have a FCBA claim against Defendant Surplus Freight. If the basis for jurisdiction is diversity, the letter shall explain how the amount in controversy exceeds \$75,000. It is further

ORDERED that the July 29, 2021, conference is **adjourned sine die**.

Dated: July 22, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE